

BOARD OF ADJUSTMENT REPORT



MEETING DATE: 11/5/2003

ITEM NO. _____

ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT **Ancala Commons**

REQUEST Request to approve variance from the Article V, Section 5.2204.D height restrictions and Section 5.2204.E.2.a, setback requirements for a 3.9+/- acre parcel located at 11411 N 114th Street with Commercial Office (C-O) zoning.

10-BA-2003

OWNER Chang Jean-I
650-321-1888

APPLICANT CONTACT John Rosso
Westar Holdings LLC
480-451-0248

LOCATION 11411 N 114th St

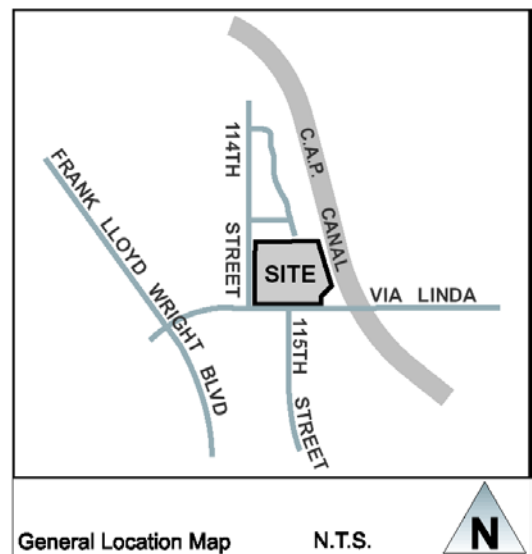
CODE ENFORCEMENT ACTIVITY None

PUBLIC COMMENT The applicant has notified all property owners within 300 ft. of the proposed project. The neighboring Ancala Homeowners Association and Adobe Ranch Villas Homeowners Association were also contacted. Staff sent notices to property owners within 300 ft and to the Adobe Ranch Villas, Ancala, Cactus Corridor, Casa Norte, and Sonoran Arroyos homeowners associations as well as to NESPOA.

Staff has not received any comments from the public regarding these variance requests.

ZONE The site is zoned Commercial Office (C-O) District.

DEVELOPMENT CONTEXT The site is located at the northeast corner of Via Linda and 114th Street. A built Commercial Office (C-O) District is west of the site and a built Highway Commercial (C-3) District to the south. Directly north of the site is a Townhouse Residential (R-4) District consisting of townhouses. The land east of the site is zoned Single-Family Residential (R1-43) District. The R1-43 site is not developed as residential, but is the designated zoning district for the limits of the Central Arizona Project (CAP) Canal.



ORDINANCE
REQUIREMENTS

The Ordinance requirements are described as follows:

- **ARTICLE V, SECTION 5.2204.D.** No building shall exceed thirty-six (36) feet in height except that within one hundred (100) feet of any R-1, R-2, R-3, R-4, R-4R or M-H district no building shall exceed twenty-four (24) feet in height.
- **ARTICLE V, SECTION 5.2204.E.2a.** A side yard of not less than fifty (50) feet shall be maintained where the side lot abuts a single-family residential district.

DISCUSSION

The east property line of the site abuts the Central Arizona Project (CAP) Canal, which is zoned Single-Family Residential (R1-43) district. The R1-43 district designation of the Central Arizona Project property remains from the time of its annexation in 1975. The two variances that have been requested by the applicant will apply only to the setback and building heights adjacent to the canal development abutting the east property line of this site.

The 24 ft. building limitation within the first 100 ft. is required whenever a Commercial Office (C-O) district abuts a single family residential districts, such as the R1-43 district in this case. A side yard of not less than 50 ft. is also required where the side yard abuts a single-family residential district, again the R1-43 district. These requirements are intended to reduce the impact to the residents of abutting residential districts from the potentially higher density development and building massing otherwise permitted in the C-O district. The R1-43 single-family residential district abutting the east property line of the applicant's site (the CAP canal) is not developed in a manner typical for that zoning district, nor as an occupied use. The two requested variances would allow the applicant to develop the site in a similar manner to other C-O district property, when that site is not abutting a single-family residential district. The applicant is proposing 36 feet buildings within 15 feet of the sites east property line.

The width of the abutting CAP canal property is approximately 443 feet. Beyond the canal property is an Open Space (O-S) zoned parcel that has been developed as a golf course.

FINDINGS

1. **That there are special circumstances applying to the property referred to in the application, which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

The applicant's response to this question states, the property is unlike others in the C-O zoning district as it is adjacent to the Central Arizona Project (CAP) canal.

Staff analysis concludes that a special circumstance relates to the surroundings of the site, and is found in the use of the abutting R1-43 property to the east. The principal land use of the Single-Family (R1-43) district is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational uses. The land use of the abutting R1-43 property to the east is developed and used as the Central Arizona Project canal. The intent of the one-story restriction is to reduce the impact of C-O development to adjacent residential development. In the context of the abutting CAP development, the requirement would serve no purpose.

2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:

The applicants response to this question states, the United States Bureau of Reclamation and the United States Government own the property contiguous and to the East of the subject property (the Eastern lot line is the subject of this request). As the CAP canal exists within this property owned by the Federal Government, it will never be developed in a residential manner, even though the zoning currently remains R1-43. Therefore, the need for a 50' setback along the Eastern boundary of the subject property no longer exists.

Staff analysis concludes that the development of the abutting property with an atypical R1-43 use, the CAP canal, creates the special circumstance of this application. The one-story limitation and 50 feet setback of the C-O district is intended to reduce the impact to abutting residential districts from the potentially high-density development and building massing otherwise permitted in the C-O district. Requiring conformance to these requirements would place an unnecessary restriction on the development of this site. The two requested variances would allow the applicant to develop the site in a similar manor to any other C-O district property, when abutting a non-residential district.

3. That special circumstances were not created by the owner or applicant:

The applicant's response to this question states, the applicant neither zoned the subject property to its C-O district nor constructed the CAP canal.

Staff analysis concludes that the special circumstances of this application are found in the development and use of the abutting R1-43 property as the Central Arizona Project canal. The R1-43 district designation of the CAP property remains from the time of its annexation. The zoning and development of the abutting property are not within the applicant's control.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The applicants response to this question states, the property owned by the Federal Government is approximately 443 feet wide and adjacent to Ancala Country Club. Granting this variance will have no adverse effect on adjacent properties.

Staff analysis concludes that the variance's requested would allow the proposed buildings to do the following:

- Construct the buildings at a 15 ft. setback instead of a 50 ft. setback from an R1-43 zoning district boundary line.
- Construct the buildings with a height greater than 24 ft. instead of limiting the building heights to 24 ft. within the first 100 ft. of an R1-43 zoning district boundary line.

The land use of the abutting R1-43 property to the east is used for the CAP canal, not a residential development or use. There would be no impact to this abutting CAP property.

The closest residential development to the east is beyond the canal and the golf course adjacent to the canal, approximately ¼ of a mile. The placement of two-story units as requested by this application is unlikely to be perceived across that width of the CAP canal and golf course.

STAFF CONTACT

Bill Verschuren, Senior Planner
Report Author
Phone: 480-312-7734
E-mail: BVerschuren@ScottsdaleAZ.gov

ATTACHMENTS

1. Application
2. Background Information
3. Justification
4. Project Narrative
5. City Notification Map
- 5A. Neighborhood Involvement
6. Aerial Map
7. Zoning Map
8. Proposed Site Plan

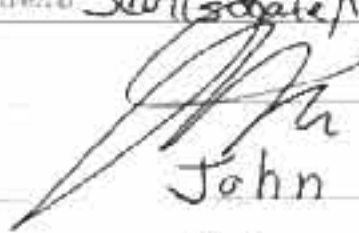



**PROJECT APPLICATION
COMMUNITY DEVELOPMENT
7447 E. INDIAN SCHOOL ROAD
SCOTTSDALE, AZ 85251
(480) 312-7000 FAX (480) 312-7088**

Note
Coordinator signature
required prior to
submission.

<input type="checkbox"/> GEN'L PLAN AMENDMENT	<input type="checkbox"/> MASTER SIGN PROGRAM
<input type="checkbox"/> REZONING	<input type="checkbox"/> LOT SPLIT
<input type="checkbox"/> PRELIMINARY PLAT	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> USE PERMIT	<input type="checkbox"/> ABANDONMENT
<input type="checkbox"/> DEVELOPMENT REVIEW	<input type="checkbox"/> OTHER

CASE # _____
Q.S. 30-55
PROJECT # 491-PA-2003

APPLICANT FILL OUT BELOW			
PROJECT NAME <u>Anela Commons</u>	PROJECT LOCATION (ADDRESS) <u>11411 N. 114th St. Scottsdale, AZ</u>		
REQUEST <u>See Attachment #1</u>	CURRENT ZONING <u>C-U</u>		
	PARCEL IN ACRES NET <u>3872</u> GROSS		
	SOLR. MAP PARCEL <u>217-28-003J</u>		
CURRENT OWNER Name <u>Chang, Jean-I</u>	Street Address <u>101 Alma St. #203</u>	Phone	
Company	City/State/Zip <u>Palo Alto, CA 94301</u>	FAX	
DEVELOPER Name <u>John Rosso</u>	Street Address <u>8300 N. Hayden</u>	Phone <u>480-451-0248</u>	
Company <u>Westar Holdings, LLC</u>	City/State/Zip <u>Scottsdale, AZ 85258</u>	FAX <u>480-614-5304</u>	
ARCHITECT Name <u>Brian Silvester</u>	Street Address <u>15849 N. 71st St.</u>	Phone <u>480-556-9000</u>	
Company <u>Patrick Hayes Architecture</u>	City/State/Zip <u>Scottsdale, AZ 85254</u>	FAX <u>480-556-9490</u>	
ENGINEER Name	Street Address	Phone	
Company	City/State/Zip	FAX	
The owner shall designate either himself, or his architect, engineer or agent as the coordinator for the project. This person will attend pre-application conferences, and will receive the agenda, recommendations and case reports. All contacts will be made for this project through the person named as coordinator below.			
APPLICANT/COORDINATOR NAME <u>John W. Rosso</u>	Street Address <u>8300 N. Hayden</u>	Phone <u>480-451-0248</u>	
Company <u>Westar Holdings, LLC</u>	City/State/Zip <u>Scottsdale, AZ 85258</u>	FAX <u>480-614-5304</u>	email <u>westarjr@aol.com</u>
OWNER'S SIGNATURE 		APPLICANT'S SIGNATURE <u>John W. Rosso</u>	
PRINT NAME <u>John W. Rosso</u>		PRINT NAME <u>Chang, Jean-I</u>	
REPRESENTING		REPRESENTING	
OFFICIAL USE ONLY			
YOUR STAFF COORDINATOR 		PAGE	
THIS APPLICATION NEEDS A <input type="checkbox"/> NEW FOR <input type="checkbox"/> OLD PROJECT *		ATTACHMENT #1	
		10-BA-2003	

ATTACHMENT 1

PROJECT APPLICATION

CASE NO. 491-PA-2003 #1

We are requesting the abandonment of the 50' setback requirement for C-O development abutting residential zoning. We are also requesting the abandonment of the 100' setback requirement for commercial development over 24' in height where commercial abutts residential.

This request applies to the Eastern lot line of the subject property only.

Background Information
For Board of Adjustment



DATE 11-5-2003
APPROVED AS PRESENTED _____
APPROVED W/STIP _____
DENIED _____

CASE # 10-BA-2003
PROJECT # - PA -
CONTINUED TO _____
HEARING DATE _____
CHAIRMAN _____

APPLICANT TO FILL OUT THIS PORTION

VARIANCE REQUESTED AT (STREET ADDRESS WHERE VARIANCE IS REQUESTED)

11411 N. 114th St.

TO BE COMPLETED BY YOUR COORDINATOR

ARTICLE AND SECTIONS OF ZONING ORDINANCE TO BE VARIED

Article V, Section 5.2204.D

SCOTTSDALE ZONING REQUIRES No building shall exceed thirty-six (36) feet in height except that within one hundred feet (100') of any R-1, R-2, R-3, R-4, R-4R or M-H district no building shall exceed twenty-four (24) feet in height.

APPLICANTS REQUEST is for building heights of thirty-six (36) feet at a distance of less than one hundred (100) feet of an R1-43 district

AMOUNT OF VARIANCE 12 feet.

PROCEDURES OF THE BOARD OF ADJUSTMENT

There will be three notices of hearing. One on the property, two within 300 feet, and a notice will be published in the daily newspaper, at least 15 days before the hearing, and a notice will be mailed to adjacent property owners, within 300', at least 15 days before the hearing.

The Chairman shall determine what parties are available to represent the applicant, and they shall present the case. The staff will be heard, then those in favor or in opposition. After arguments have been heard, the party representing the owner will have an opportunity for rebuttal after which the Chairman may declare the questioning and argument closed. A vote will then be taken on the matter of approval or denial.

No variance shall be granted resulting in any changes in the uses permitted in any zoning classification or which constitute special privilege.

The application and all maps, plans and other accompanying data and material shall be available for public inspection during office hours at the office of the building official.

A notice of hearing will be mailed to the applicant.

For information regarding applications please call

ATTACHMENT #2

10-BA-2003

Background Information
For Board of Adjustment



DATE 11-5-2003
APPROVED AS PRESENTED _____
APPROVED W/STIP _____
DENIED _____

CASE # 10-BA-2003
PROJECT # - PA -
CONTINUED TO _____
HEARING DATE _____
CHAIRMAN _____

APPLICANT TO FILL OUT THIS PORTION

VARIANCE REQUESTED AT (STREET ADDRESS WHERE VARIANCE IS REQUESTED)

11411 N. 114th Street

TO BE COMPLETED BY YOUR COORDINATOR

ARTICLE AND SECTIONS OF ZONING ORDINANCE TO BE VARIED _____

Article V, Section 5.2204.E.2.a

SCOTTSDALE ZONING REQUIRES a side yard of not less than fifty (50) feet
shall be maintained where the ~~side~~ lot abuts a single-family
residential district (R1-43)

APPLICANTS REQUEST is to provide a fifteen (15) foot setback where the
side lot abuts a single-family residential district. (R1-43)

AMOUNT OF VARIANCE 35 feet.

PROCEDURES OF THE BOARD OF ADJUSTMENT

There will be three notices of hearing. One on the property two within 300 feet, and a notice will be published in the daily newspaper, at least 15 days before the hearing, and a notice will be mailed to adjacent property owners, within 300', at least 15 days before the hearing.

The Chairman shall determine what parties are available to represent the applicant, and they shall present the case. The staff will be heard, then those in favor or in opposition. After arguments have been heard, the party representing the owner will have an opportunity for rebuttal after which the Chairman may declare the questioning and argument closed. A vote will then be taken on the matter of approval or denial.

No variance shall be granted resulting in any changes in the uses permitted in any zoning classification or which constitute special privilege.

The application and all maps, plans and other accompanying data and material shall be available for public inspection during office hours at the office of the building official.

A notice of hearing will be mailed to the applicant 5 days before the hearing.

For information regarding applications please call: 994-7000.



Justification For
Requested Variance



CASE #

PROJECT #

491 - PA - 2003 #1

APPLICANT TO FILL OUT THIS PORTION

Address Where Variance is Requested

11411 N 114th Street
Scottsdale, AZ 85259

JUSTIFICATION

Must Be Completed Fully By Applicant (All Four Justifications Must Be Satisfied)

1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address.

See Attachment 1

2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district.

3. That special circumstances were not created by the owner or applicant.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

ATTACHMENT #3

10-BA-2003

ATTACHMENT 1

JUSTIFICATION FOR REQUESTED VARIANCE

CASE NO. 491-PA-2003 #1

1. The property is unlike others in the C-O zoning district as it is adjacent to the Central Arizona project ("CAP") canal.
2. The United States Bureau of Reclamation and the United States Government own the property contiguous and to the East of the subject property (the Eastern lot line is the subject of this request). As the CAP canal exists within this property owned by the Federal Government, it will never be developed in a residential manner, even though the zoning currently remains R43. Therefore, the need for a 50' setback along the Eastern boundary of the subject property no longer exists.
3. The applicant neither zoned the subject property CO or constructed the CAP canal
4. The property owned by the Federal Government is approximately 443 feet wide and adjacent to Ancala Country Club. Granting this variance will have no adverse effect on adjacent properties.



- ☐ Rezoning
 ☐ Other
- ☐ Use Permit
- ☐ Development Review
- ☐ Master Sign Programs
- ☒ Variance

Case # 491 -PA-2003#1

Project Name Ancola Commons

Location 11411 N. 114th St.

Applicant: John W. Rosso
Westar Holdings, L.L.C.

SITE DETAILS

Proposed/Existing Zoning: C-O

Use: Commercial Office

Parcel Size: 3.872 Acres

☒ Gross Floor Area ☐ Total Units: 9,432 Sq. Ft. 4 Units

☒ Floor Area Ratio ☐ Density: 22.6%

lot coverage: 15.9%

Parking Required: $1:300 = 126 \text{ spaces}$

Parking Provided: 180 spaces

Of Buildings: 4

Height: 34'

Setbacks: N- S-

See Below: E- W-

In the following space, please describe the project or the request

See attached.

Setbacks:

North PL: 15'0" Canopy setback

50'0" building setback

100'0" 24' height limit

East PL: N/A assuming a variance to the 50'0" building setback due to the adjacent R-43 zoning.

South PL: N/A assuming resolution to the 50'0" landscape setback from 1983 City Council Stip

West PL: N/A

(If an additional

ATTACHMENT #4

10-BA-2003

ATTACHMENT 1

PROJECT NARRATIVE

CASE NO. 491-PA-2003 #1

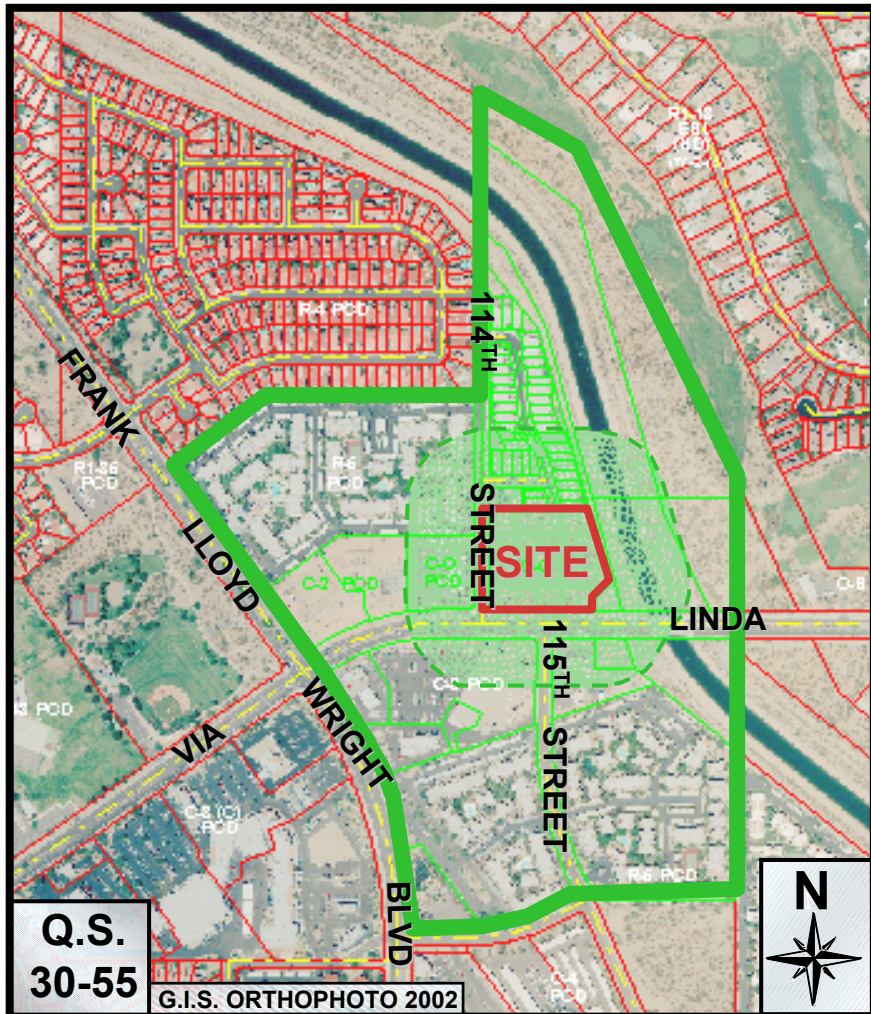
This project will provide 38,000 sq.ft. of commercial office space as condominiums and will be sold to and occupied by a variety of office users. Site design is comprised of four 9,500 sq.ft. one and one-half story office building.

All parking will be at grade and will supply approximately 4.5 parking spaces per 1,000 sq.ft. of office building.

This site is currently a vacant parcel of land and this project is designed in accordance with existing and approved buildings in the same area with a contemporary architectural flavor.

This project is designed to offer a pleasant example of commercial office development prevalent in the City of Scottsdale.

City Notifications – Mailing List Selection Map



Map Legend



Site Boundary



Properties within 300-feet



Extended Selection
(Additional properties notified)

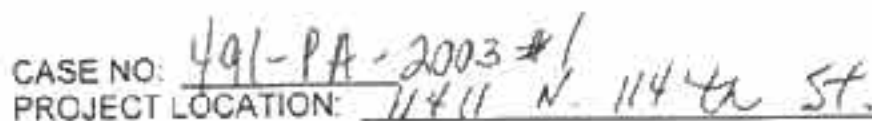
Additional Notifications:

- Adobe Ranch Villas
- Ancala HOA
- Cactus Corridor HOA
- Casa Norte HOA
- Sonoran Arroyos HOA
- NESPOA

Ancala Commons

10-BA-2003

ATTACHMENT #5



In the City of Scottsdale it is important that all applicants for rezoning, use permit, and/or variances inform neighboring residents, affected school districts, and other parties that may be impacted by the proposed use, as well as invite their input. The applicant shall submit this completed certification with the application as verification that such contact has been made.

Signature of owner/applicant

Date _____

ATTACHMENT A**Contact Format**

Date	Name and Address	Meeting	Phone	Letter
09/26/03	Scottsdale Memorial Realty Co. 11390 East Via Linda Scottsdale, AZ 85259-4075			X
09/26/03	Scottsdale Memorial Realty Co. 7400 East Osborn Road Scottsdale, AZ 85251-6403			X
09/26/03	DevMan Company, L.C. Attn: Julie Johnson 1515 E. Missouri, Suite 100 Phoenix, AZ 85014			X
09/26/03	Adobe Ranch Villas HOA 34522 North Scottsdale Road Scottsdale, AZ 85262-4284			X
09/26/03	Zell Commercial RE Services Attn: Vicki 5342 N 16 th Street Phoenix, AZ 85016-3231			X
09/26/03	PB Bell Asset Management 8603 E. Royal Palm, Suite 210 Scottsdale, AZ 85258-4350			X
09/26/03	Albertson's, Inc. Attn: Randi Hart P.O. Box 20 Boise, ID 83726			X
09/26/03	Amy B. Rosenthal 11416 E. Altadena Avenue Scottsdale, AZ 85259			X
09/26/03	John and Mary Wright 11442 E. Altadena Avenue Scottsdale, AZ 85259			X
09/26/03	Sherie A. Wilson 11468 E. Altadena Avenue Scottsdale, AZ 85259			X

ATTACHMENT A

Contact Format

09/26/03	Kimberly J. Brooks 11494 E. Altadena Avenue Scottsdale, AZ 85259			X
09/26/03	Diane L. Murphy 11620 N. 114 th Place Scottsdale, AZ 85259			X
09/26/03	William Olson 11632 N. 114 th Place Scottsdale, AZ 85259			X
09/26/03	Penny A. Rickhoff 11627 N. 114 th Place Scottsdale, AZ 85259			X
09/26/03	Horace and Sandra Harby 11615 N. 114 th Place Scottsdale, AZ 85259			X
09/26/03	Lee and Donna Stauffer 11603 N. 114 th Place Scottsdale, AZ 85259			X
09/26/03	Lawrence J. Comeau, Jr 11591 N. 114 th Place Scottsdale, AZ 85259			X
09/26/03	Barbara A. Holeman-Roycroft 11579 N. 114 th Place Scottsdale, AZ 85259			X
09/26/03	Stanley Osofsky 11567 N. 114 th Place Scottsdale, AZ 85259			X
09/26/03	Shari Elia 11555 N. 114 th Place Scottsdale, AZ 85259			X
09/26/03	Lynn M. Bible 11543 N. 114 th Place Scottsdale, AZ 85259			X
09/26/03	Stephen C. Lyman 11548 N. 114 th Place Scottsdale, AZ 85259			X
09/26/03	Kent A. Shields 11560 N. 114 th Place Scottsdale, AZ 85259			X

ATTACHMENT A

Contact Format

09/26/03	Scottsdale School District 3811 North 44 th Street Phoenix, AZ 85018-5420			X
09/26/03	Ancala HOA P O Box 6094 Scottsdale, AZ 85261			X
10/01/03	Penny Rickhoff, President, Adobe Ranch Villas HOA		X	
10/06/03	Will be attending Adobe Ranch Villas HOA meeting	X		

WESTAR HOLDINGS, L.L.C.
8300 NORTH HAYDEN, SUITE 207
SCOTTSDALE, AZ 85258
(480) 451-0248

September 26, 2003

Re: Northeast Corner of 114th Street and Via Linda
Parcel No. 217-28-003J 3.872 Acres

Dear Property Owner:

My name is John Rosso and I will be developing the above-referenced parcel. As a nearby property owner, I am excited to introduce the project to you. Please find included in this letter the following materials:

- Aerial, depicting the location of the project.
- Rendering of the project.
- Site plan of the project.

This is a very high quality residential-looking project as you will see by the rendering provided. This project will provide 38,000 sq.ft. of commercial office space as condominiums and will be sold to and occupied by a variety of office users. Site design is comprised of four 9,500 sq.ft. one and one-half story office buildings. All parking will be at grade and will supply approximately 4.5 parking spaces per 1,000 sq.ft. of office building.

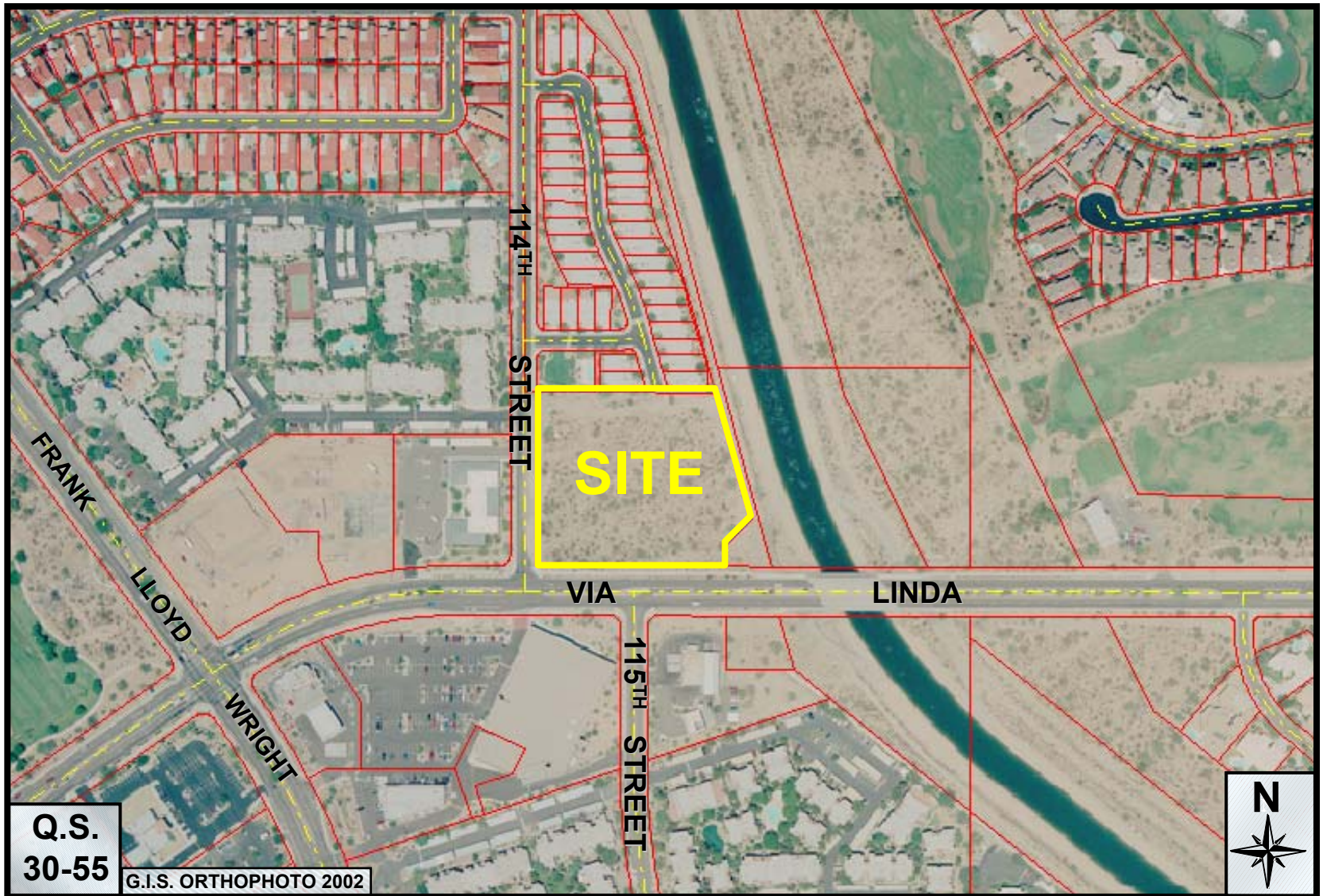
I will communicate with you as the project develops. In the meantime, if you would like to speak with me, I can be reached at 480.451.0248.

Thank you.

Very truly yours,

John W. Rosso

JWR/mjl
Enclosures

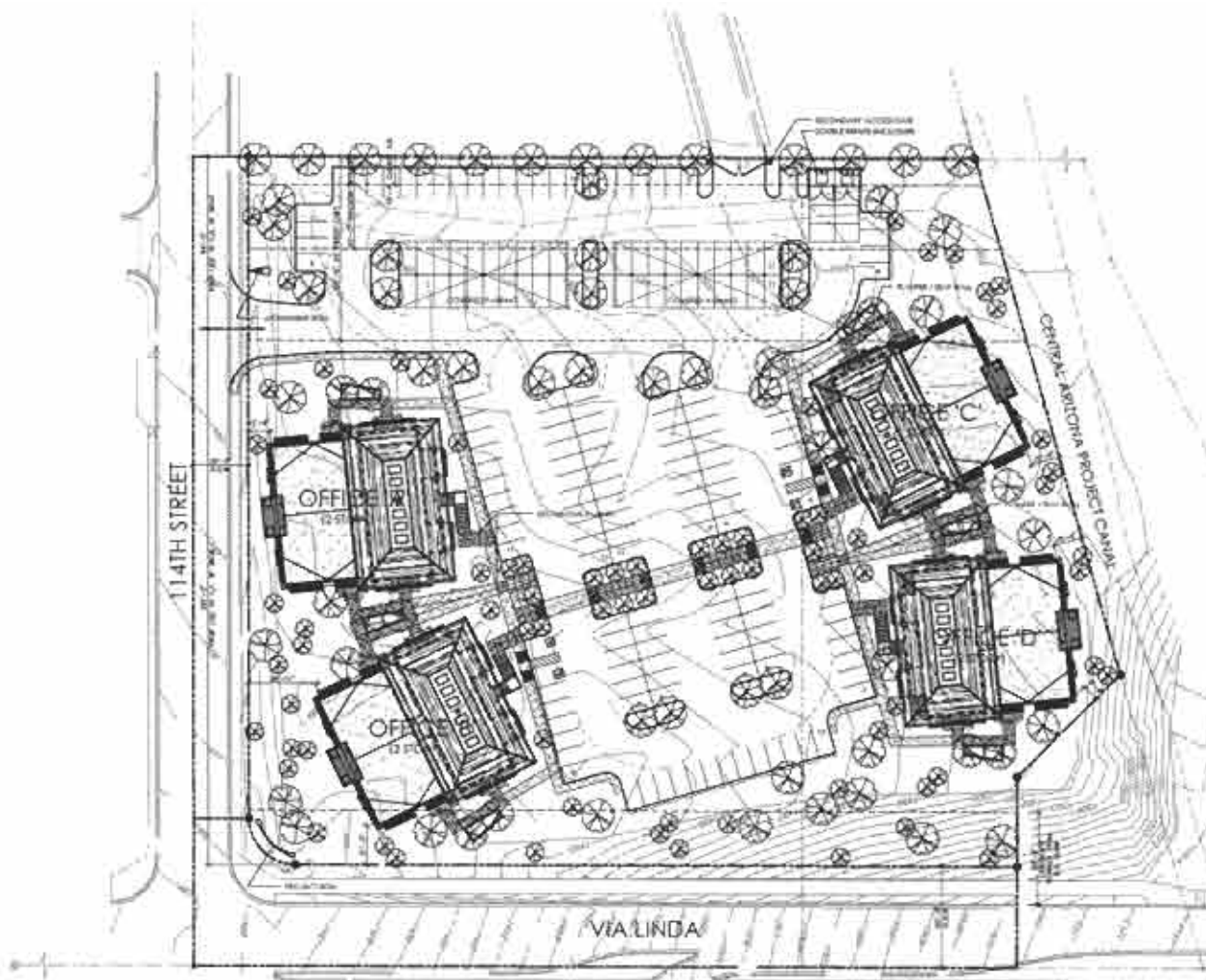


Ancala Commons

10-BA-2003

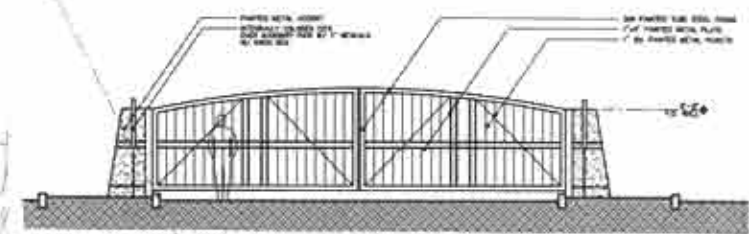
ATTACHMENT #6





CONCEPTUAL SITE PLAN

LOT '3J', net site area	± 166,957 s.f. (3.83 acres)
LOT '3J', gross site area	± 203,242 s.f. (4.67 acres)
LOT '3J', zoning	C-O
FIRST FLOOR gross area	± 6,616 s.f.
SECOND FLOOR gross area	± 2,816 s.f.
TOTAL gross area / building	± 9,432 s.f.
TOTAL BUILDING gross area	± 37,728 s.f.
LOT '3J', coverage	± 16%
LOT '3J', F.A.R.	± 23%
LOT '3J', parking	± 184 spaces
LOT '3J', ratio	± 4.9 / 1000



ACCESS GATE ELEVATION

ANCALA LOT 3J
ANCALA COMMONS
SCOTTSDALE, ARIZONA
10-BA-2003

VATRICK NAYES ARCHITECTURE

ANCALA COMMONS OFFICES